

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION No 7288 of 1998

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

1. Whether Reporters of Local Papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the Judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANSUKHBHAI A DANDIA
VERSUS
DIST. DEVELOPMENT OFFICER

Appearance:

MR KN PRAJAPATI for the Petitioner
MR SAURAV MEHTA for Respondents No.1 and 2
MR SP HASURKAR with MR HH PATEL for Respondent No.3

CORAM : MR JUSTICE S.K. KESHOTE
Date of decision: 01/07/99

C.A.V. JUDGMENT

Heard the learned counsel for the parties.

2. It is not in dispute that the petitioner was suffering from lung cancer since 1989. The petitioner has been placed under suspension in contemplation of departmental inquiry. Under the order dated 23rd March, 1998 he has also been transferred from Kanjotar to Kutiyana. The charges are of leaving absent from duty. The petitioner has given out that he remained absent on the medical grounds. However, as the departmental inquiry is pending, I do not consider it to be appropriate to express any opinion.

3. The petitioner by this petition is challenging the order of suspension and his transfer. However, looking to the ailment of the petitioner, I consider it to be appropriate that his headquarter may be fixed at the place where he desires. Learned counsel for the petitioner submits that his headquarter may be fixed at Taluka Verawal. Learned counsel for the respondents very fairly submits that they have no objection to keep the petitioner's headquarter at Taluka Veraval till the decision of the departmental inquiry. In view of this fact and the agreement between the learned counsel for the parties, it is hereby ordered that during the suspension, the petitioner's headquarter may be fixed at Taluka Verawal. The respondents are directed to pass appropriate order in this respect forthwith.

4. So far as the challenge to the suspension order is concerned, learned counsel for the petitioner is also not serious on the same. However, his anxiety is that this is a frivolous chargesheet and the departmental inquiry cannot be kept hanging on the head of the petitioner. This grievance of the learned counsel for the petitioner seems to be justified.

5. This special civil application is disposed of in the terms that the headquarter of the petitioner may be fixed at Taluka Veraval and the departmental inquiry which has been initiated against the petitioner shall be completed within a period of six months from the date of receipt of the writ of this order. Rule stands disposed of accordingly.
